

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Fatira D Elhadi

CHAPTER 13

CASE NO. 17-10375-SR

PNC Bank, National Association
Movant

HEARING DATE: September 13, 2017

TIME: 10:00am

LOCATION: Court Room # 4

vs.

Fatira D Elhadi
Debtor(s)

and

Frederick L. Reigle, Esquire
Trustee

RESPONDENTS

**MOTION OF PNC BANK, NATIONAL ASSOCIATION FOR RELIEF FROM
AUTOMATIC STAY TO PERMIT MOVANT TO FORECLOSE ON
608 RUSKIN LANE, YEADON, PA 19050**

Movant, by its Attorneys, Udren Law Offices, P.C., hereby requests a modification of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor.

1. Movant is PNC Bank, National Association.
2. Debtor(s) is/are the owners of premises, hereinafter known as the mortgaged premises, located at:

608 Ruskin Lane
Yeadon, PA 19050

3. Movant is the holder of a mortgage which is a lien on the mortgaged premises.
4. Movant (or its predecessor in interest) has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payments required thereunder.
5. The foreclosure proceedings filed or to be instituted were stayed by the filing of the instant Chapter 13 Petition.
6. Debtor(s) has failed to make payments to discharge the arrearages on said mortgage or has failed to make the current monthly payments on said mortgage since the filing of the Chapter 13 Petition or has failed to do both. Such defaults include failure to make the following post-petition monthly payments and late charges:

	Amount Per Month	Totals
Payments 06/01/2017 through 08/01/2017	\$1,618.05	\$4,854.15
Suspense Balance		(\$1,501.80)
Post Petition Attorney Fees		\$650.00
Court Filing Fee		\$181.00
TOTAL:		\$4,183.35

7. Movant is entitled to relief from the automatic stay because of the foregoing default and because:

(a) Adequate protection of the interest of Movant is lacking; and

(b) Debtor(s) has inconsequential or no equity in the premises, which is not necessary to an effective reorganization or plan.

8. Movant has cause to have the Automatic Stay modified as to permit Movant to complete foreclosure on its mortgage.

9. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen day period set forth in Bankruptcy Rule 4001 (a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen day period.

10. The other Respondent is the Standing Trustee appointed in the present Chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that this Court enter an order modifying the Automatic Stay of 11 U.S.C. §362 with respect to the mortgaged premises as to permit Movant to take any legal action for enforcement of its right under state law and the loan documents.

Respectfully submitted,

By: /s/ Nicole LaBletta
Nicole LaBletta, Esquire
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